

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

| | | |
|----------------------------|---|------------------------|
| In the Matter of: |) | Docket No. SRPD 00/01 |
| |) | NNS-2058 |
| Aptos Corporation |) | Stipulation and Order |
| 1557 Center Pointe Drive |) | |
| Milpitas, California 95035 |) | Health and Safety Code |
| |) | Section 25187 |
| CAO 000 134 791 |) | |
| |) | |
| Respondent. |) | |

The State Department of Toxic Substances Control
(Department) and Aptos Corporation (Respondent) enter into this
Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the following violation
as noted in the Summary of Violation issued by the Department on
September 5, 2000, a copy of which is attached as Exhibit A:

On or about January 1, 1997 Respondent did violate
Health and Safety Code, section 25200.14(b) in that Respondent
failed to submit a Phase I Environmental Assessment.

2. The parties wish to avoid the expense of further
litigation and to ensure prompt action to achieve the Schedule
for Compliance below.

3. Jurisdiction exists pursuant to Health and Safety
Code (HSC) section 25187.

4. Respondent waives any right to a hearing in this
matter.

CK 23737
\$2,000.00
12/15/00
FP 0-118

5. This Order shall constitute full settlement of the violation alleged in the Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations.

6. SCHEDULE FOR COMPLIANCE

6.1. Respondent submitted a Phase I Environmental Assessment (Phase I Checklist) with the Department as required by HSC section 25200.14(b)(1) and Title 22, California Code of Regulations, section 67450.7(a)(3) on September 27, 2000.

6.2. Respondent shall send two employees to attend the California Compliance School to complete hazardous waste training Modules I, II, III, IV and V. Respondent must submit, for both employees, Certificates of Satisfactory Completion issued by the California Compliance School, to the Department within 185 days of the effective date of this Order. The Certificates of Satisfactory Completion shall be submitted to:

Lawrence Wong, Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

PAYMENTS

7.1. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$2,000 as reimbursement of the Department's enforcement costs. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall identify the Respondent and Docket

Number as shown in the heading of this case. Respondent shall submit the payment together with a copy of this Order to:

Department of Toxic Substances Control
Accounting Office
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Lawrence Wong, Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to HSC § 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

7.2. If Respondent fails to submit the Certificates of Satisfactory Completion as required in Section 6.2 above, Respondent shall pay the Department an additional \$2,000.00 as penalty within 30 days after the expiration of the 185-day period. The payment of the additional \$2,000.00, together with a copy of this Order, shall be sent to:

Department of Toxic Substances Control
Accounting Office
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:


Lawrence Wong, Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200

Berkeley, California 94710-2721

If Respondent fails to submit the Certificates of Satisfactory Completion and fails to make the additional payment as provided above, Respondent agrees to pay interest at the rate established pursuant to HSC § 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

8. The effective date of this Order is the date it is signed by the Department.

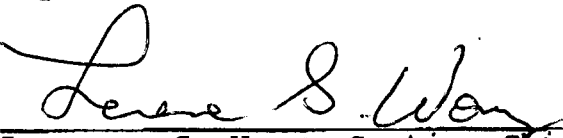
Dated: 12/4/2000


Signature of Respondent's Representative

Dated: 12/4/2000

BENSON CHAO, PRESIDENT
Typed or Printed Name and Title of Respondent's Representative

Dated: 1/2/01


Lawrence S. Wong, Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control

